

12/02/2003 12:26

2023628404

MBIPLAW

RECEIVED
DEC 08 2003

PAGE 01
RECEIVED
CENTRAL FAX CENTER
DEC 02 2003
OFFICIAL

LAW OFFICES OF
DR. MELVIN BLECHER OFFICE OF PETITIONS
4329 Van Ness Street, NW
WASHINGTON, D.C. 20016-5625

Tel:(202) 363-3338 FACSIMILE: (202) 362-8404
e-mail:MBIplaw@comcast.net

FACSIMILE MESSAGE — PLEASE DELIVER PROMPTLY

**CONFIDENTIAL TRANSMISSION. IF MISDIRECTED, PLEASE NOTIFY US BY
TELEPHONE AND RETURN THE ORIGINAL COPY TO THE SENDER.**

TO: Office of Petitions OF: USPTO

FAX NUMBER: 703 872 9306

FROM: Dr. Melvin Blecher

DATE/TIME: 12/2/2003

OUR REF. NO.: 64688/153

NO. OF PAGES (INCLUDING COVER): 4

CLIENT REF.: USSN 09/940,454, Stephan et al.

RE: Petition to Revive under 37 CFR 137(b)

MESSAGE

Enclosed:

1 Petition To Revive under Rule 137(b)
2 Credit card payment of \$665 fee.

#8

PTO/SB/04 (11-01) Approved
for use through 07/01/2006. OMB 0651-0031 U.S. Patent and Trademark Office, U.S.
DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED Docket Number
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

RECEIVED
CENTRAL FAX CENTER

DEC 02 2003

First named inventor: Dietrich A. Stephan

Application No.: 09/940,454

Art Unit:1645

Filed: 08/29/2001

Examiner:TBA

OFFICIAL

Title: A Gene-Based Method For Distinguishing Metastatic from Non-Metastatic Forms of a Tumor, and Use in Designing Therapeutic Drugs

RECEIVED

DEC 08 2003

OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity -fee \$ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of: response to Notice to File Corrected Application Papers
☒ has been filed previously on 11/10/2003.

☐ is enclosed herewith.

B. The issue fee of \$.

☐ has been paid previously on .

☐ is enclosed herewith.

12/03/2003 HUAUONG1 00000050 09940454

01 FC:2453

665.00 DP

[Page 1 of 2]

3. Terminal disclaimer with disclaimer fee.

☒ **X** As this application was filed on or after June 8, 1995, no terminal disclaimer is required.
A terminal disclaimer (and disclaimer fee of \$____ (small entity) or \$____ (large entity) disclaiming the required period of time is enclosed herewith.

STATEMENT: The entire delay in filing the required reply from the due date for the required replay until the filing of a grantable petition under Rule 137(b) was unintentional.

Date:

12/02/2003


Signature

Tel. No. 202 363 3338

Dr. Melvin Blecher
Typed signature

Address: 4329 Van Ness St., NW, Washington, DC 20016-5625

Enclosures:

- ☒ **X** Fee payment (by Credit Card payment form)
☐ Reply
☐ Terminal disclaimer form
☐ Additional sheets containing statements establishing unintentional delay.
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, POB 1450, Alexandria, VA 22313-1450.

☒ **X** transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 703 872 9306.

Date:

12/2/2003


SignatureDr. Melvin Blecher, Reg No 33649
Name of person signing certificate

(Page 2 of 2)